

**STATE OF RHODE ISLAND    CITY OF EAST PROVIDENCE  
COUNTY OF PROVIDENCE    ZONING BOARD OF REVIEW**

**MINUTES**

**A meeting of the East Providence Zoning Board of Review was held at 7:00 P.M., on Wednesday, 4 December 2013, in the City Council Chambers, East Providence City Hall.**

**The following members were present:**

**Eugene Saveory – Chairman**

**Michael Beauparlant – Vice-Chairman**

**John Braga - ABSENT**

**Pier-Mari Toledo**

**Antonio H. Cunha**

**Richard Croke, Sr. – 1st Alternate - ABSENT**

**Gary Pascoa – 2nd Alternate**

**Edward Pimentel – Zoning Officer / Clerk**

**Gary Dias – Assistant City Solicitor**

**Chairman Saveory announces that it is the policy of the Zoning Board of Review to caution all petitioners that they have the right to counsel before the Board and failure to do so at this time does not constitute sufficient grounds for a change in circumstances under the**

eighteen-month repetitive petition clause. All petitioners are also cautioned that if the petition is approved, all construction must be done in compliance with the submitted plan(s), application and testimony presented to the Zoning Board of Review. A change of any sought must obtain the requisite approval of the Zoning Board of Review. All work that deviates from the approval will be ordered halted and promptly removed. Comments will be limited to the petition being heard and no comments will be heard that do not pertain to an item scheduled on tonight's docket. He also notes that it is the policy of the Board that no new agenda item will be heard after 10:30 PM.

Chairman Saveory also notes that the Board welcomes any commentary from the public provided it solely pertains to an item on tonight's docket.

#### **A. Swearing in of the Zoning Officer**

Chairman Saveory asks Assistant City Solicitor Dias to swear in the Zoning Officer, Mr. Pimentel.

## **II. SEATING OF ALTERNATE MEMBERS**

Chairman Saveory informs the public that both Mr. Braga and Mr. Croke, 1st Alternate, are absent, and therefore Mr. Pascoa, 2nd

**Alternate, will be both a participating as well as voting member on all of tonight's agenda items.**

### **III. APPROVAL OF ZONING BOARD MINUTES**

**Zoning Officer notes that he is still working on the 2 November 2013, site inspection minutes, however has distributed the 6 November 2013, minutes, and they are ready for approval.**

**Chairman Saveory requests a Motion to approve the Minutes of 6 November 2013.**

**Motion by Mr. Cunha to approve the minutes of 6 November 2013. The motion is Seconded by Mr. Beauparlant, and Unanimously approved.**

### **IV. ZONING OFFICER'S REPORT**

**A. Update on NEW ENGLAND SUPPORT SERVICES, INC. and CITY OF EAST PROVIDENCE FIRE DEPARTMENT, request permission to retain 'TEMPORARY OFF-STREET PARKING' – PARKING TO BE EXTINGUISHED AND PROPERTY RETURNED TO ITS ORIGINALLY GRASSED STATE UPON COMPLETION OF FIRE STATION REHABILITATION, otherwise defined as a prohibited land use, for**

**property located at 236 ORCHARD STREET, being MAP 206 BLOCK 10 PARCEL 21, in a RESIDENTIAL 6 DISTRICT.**

**Zoning Officer reminds the Board that the subject petition is in prosecution, and was therefore forwarded to the attention of the Zoning Board simply for holding purposes. The Board requested quarterly updates. As the Board is aware, the Fire Station on Broadway is under reconstruction, resulting in a loss of on-site parking. The adjacent operation, namely Rebello Funeral Home has offered the City some on-site parking, including a proximate residential lot on Orchard Street. However, in paving said parcel for the purpose of supporting off-street parking, they have all but extinguished any pervious surface. The subject lot is residentially zoned, permitting a maximum 45% impervious coverage. The property owner, John Rebello, has informed this Board that he is prepared to extinguish the pavement and reestablish the grassed surface. It was agreed by all to hold off on rendering a decision until such time that the Fire Department is no longer in need of the additional parking. The Fire Chief has provided an update, vial email, informing the Board that the project is on schedule for a completion date of March 2014 – May 2014 at the latest.**

**B. Update on PATRICIO PINTO dba VALLEY AUTO SERVICE, INC., requests permission to modify a previous zoning decision – to permit greater automobile storage – necessitating dimensional relief from minimum off-street parking stall dimensions, off-street loading stall**

**dimensions, internal travel aisle width dimensions and deficient landscaping / buffer requirements, for property located at 517 WARREN AVENUE, being MAP 307 BLOCK 9 PARCEL 1, in a COMMERCIAL 4 DISTRICT.**

**Applicant has sub-leased out office area for retail convenience and reopened fuel pumps. Property has been considerably rehabbed and retail customer parking will necessitate parking spaces remain unencumbered. Number of on-site vehicles has been maintained at a reasonable quantity.**

**Zoning Officer informs the Board that the subject applicant has likewise been scheduled for quarterly updates. However, in this case he is looking for a permanent variance, albeit the Board has delayed granting said variance until such time that he proven he can operate his business in accordance with the zoning regulations.**

**The subject applicant is likewise in prosecution for operating a permissible automotive repair business outside the parameters of a previously granted variance. He has submitted a revised site plan, and this office is periodically inspecting to ensure compliance with said plan. Since the initial hearing in September 2013, the connected office area has been sub-leased to a retail convenience operation as has the on-site fuel pumps. It is the Zoning Officer's professional opinion that this will realize great improvement. It is now providing the property owner a secondary stream of income, thereby not needing to rely on what we all believe was an illegal salvage**

operation. Secondly, the tenant will need both customer parking and free flow access to the pumps, otherwise he cannot realize any profit. Therefore, either the property owner self-corrects his own violations, or the sub-leased operation will fail. This will be more than sufficient reason to deny his variance at the end of the one-year time limit.

Zoning Officer concludes by noting that he spoke to the neighbors and requested that he keep him informed about spillage onto the surrounding roadways. If that becomes an issue again, he will immediately call back both the applicant and his attorney to discuss rendering a decision. Attorney for the applicant will be present during the next quarterly update in March 2013.

## **V. CORRESPONDENCE / DISCUSSION**

Chairman Saveory announces that there are correspondence items to be discussed.

## **VI. STAFF REPORTS**

**A. Planning Department Staff Report.**

**B. November, 2013, Complaint List.**

Chairman Saveory informs the public that the referenced documents

**are automatically rendered part of the official record.**

## **VII. CONTINUED BUSINESS**

**Chairman Saveory announces that there is no continued business.**

## **VIII. NEW BUSINESS**

**1. Petition No. 6532: John J. McHale and Sons, seeks a Special Use Permit, to introduce an exterior liquid nitrogen storage tank, otherwise defined as ‘open storage,’ pursuant to Section 19-98 – ‘Schedule of Use Regulations and Section 19-175 ‘Open Storage’, for property located at 750 Narragansett Park Drive, being Map 501, Block 02, Parcel 001.00, and located in an Industrial 3 District.**

**Rick Thibault, Laboratory Manager, 67 Mechanic Street, Attleboro, MA, is properly sworn in.**

**Mr. Thibault informs the Board that he is both the applicant and will be the on-site tenant – John J. McHale is the owner. Their business is entitled ‘Contech Research, Inc., and they do connector testing on a variety of products for various companies and the government. The purpose for the liquid nitrogen tank is to perform thermal cycle testing. Pursuant to the Zoning Regulations, the subject tank will be**

**in full conformance with all of the application regulations of section 19-175 'Open Storage.'**

**Chairman Saveory queries the Board, beginning with Mr. Beauparlant.**

**Mr. Beauparlant inquires about the placement of the tank? Mr. Thibault responds that there are specified setback and security requirements pursuant to Section 19-175, and they have ensured full compliance as evidenced by the Planning Department staff report and Fire Department preliminary review.**

**Mr. Beauparlant inquires about tank refill? Mr. Thibault responds that it depends upon usage, however perhaps at most is once a week.**

**Mr. Beauparlant acknowledges that it does appear to be appropriately situated.**

**Mr. Cunha notes for the record that he has no personal objections given the staff report, which does document full compliance with the pertinent 'Open Storage' regulations.**

**Mr. Pascoa notes for the record that he too has no personal objections.**

**Ms. Toledo inquires about noise associated with tank refill. Mr.**



**Thibault responds that the refilling process itself does not generate any noise, however the refill is by tractor trailer and the operation of the truck's engine is the only noise that will be heard. It is for this reason that they secluded the tank to the rear, adjacent to a mini-storage operation. The tank will be screened and secured by a locked gate. He would anticipate that the engine noise would not even be heard from street side, due to the buffering by the facility. He also notes that the refilling process is typically conducted quite late or very early in the morning, before any other business starts operating. There are no residential homes within the vicinity of the subject property.**

**Chairman Saveory inquires if any other gas, other than liquid nitrogen will be stored on premises – oxygen, hydrogen, helium, etc. Mr. Thibault responds in the negative. Only liquid nitrogen is required.**

**Chairman Saveory notes for the record that he too has little concern, because besides the local regulations, there are extensive requirements imposed by both the State and Federal Government. He would also note that the Federal Government is also quite restrictive as to hours of deliver – to ensure safety of transport over State and Federal Highways.**

**Chairman Saveory inquires if there is anyone else present who would like to speak in favor of the subject petition. Hearing and seeing none, Chairman Saveory inquires if there is anyone present who**

would like to speak against the subject petition. Hearing and seeing none, Chairman Saveory queries the Board for a motion.

Motion by Mr. Beauparlant, based on all the evidence and testimony presented to the Zoning Board of Review and the personal knowledge of the members of the Board of the land and area of the City of East Providence, the Zoning Board hereby finds:

1. That the use is compatible with neighboring land uses.
2. The use does not create a nuisance in the neighborhood.
3. That the use does not hinder the future development of the City.
4. That the use conforms to all applicable sections of the special use requested.

Mr. Beauparlant hereby further finds pursuant to Section 19-45(b) of the City of East Providence Zoning Ordinance:

5. That the use is in conformance with the purpose and intent of the East Providence Comprehensive Plan and applicable standards of this Chapter.

Mr. Beauparlant moves that the special use permit be Granted subject to the petitioner fulfilling the following conditions:

- 1. Petitioner(s) obtaining any, and all, necessary permits.**
- 2. Strict compliance with the submitted site plan (or amended site plan as it may be applicable), all exhibits, and entire testimony provided during the respective hearing.**

**Chairman Saveory asks Mr. Thibault, if he accepts the conditions of approval just stipulated, understanding that strict compliance means that any deviation will necessitate revisiting the Zoning Board of Review; said revisit may be requested by either the Zoning Officer or any member of the Zoning Board of Review. Mr. Thibault responds, that he fully understands and accepts the conditions just stipulated.**

**The motion is Seconded by both Mr. Cunha and Ms. Toledo.**

**Roll Call Vote:**

**Mr. Beauparlant - Aye Notes that the placement is in accordance with all**

**pertinent regulations and is well buffered by both the on-site facility and surrounding mini-storage operation. He does not believe it will result in any negative impact.**

**Mr. Cunha - Aye Concurs with Mr. Beauparlant's comments.**

**Mr. Pascoa - Aye**

**Ms. Toledo - Aye**

**Chairman Saveory - Aye The subject tank is quite regulated, and will therefore,  
not result in any negative impact or safety concern.  
He thanks the applicant for brining his business  
to the City of East Providence.**

**Special use permit unanimously granted, subject to the  
aforementioned condition(s).**

## **IX. PROCEDURES**

**Chairman Saveory announces that there are no procedures to be  
discussed.**

**Zoning Officer informs the Board that starting next month he would  
like to commence a dialogue on new case law and manner of  
rendering motions / decisions.**

## **X. ANNOUNCEMENTS**

**Chairman Saveory then announces that the next meeting of the  
Zoning Board of Review is scheduled for Wednesday, 8 January 2014,  
at 7:00 PM, in the City of East Providence Council Chambers, City  
Hall, East Providence, RI.**

## **XI. ADJOURNMENT**

**Motion to adjourn by Mr. Cunha. The motion is Seconded by Mr. Beauparlant and Unanimously voted to adjourn. Meeting is adjourned at 8:00 P.M.**

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**Edward Pimentel, AICP**  
**Zoning Officer / Clerk**

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**Secretary**